

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 06-3947 PJS/JSM

UNITED STATES OF AMERICA,)	
)	
Petitioner,)	ORDER OF COMMITMENT
v.)	
)	
ROGER DEAN TOM,)	
)	
Respondent.)	

This matter is before the Court on the parties' September 14, 2010 stipulation that Respondent meets the criteria for commitment pursuant to 18 U.S.C. § 4246 as a person due for release but suffering from a mental disease or defect. Petitioner United States has also submitted a Certificate of Mental Disease or Defect and Dangerousness signed by the Warden of the Federal Medical Center in Rochester, Minnesota ("FMC Rochester") on November 8, 2010.¹

Based upon the stipulation, the Certificate, and all the files, records and proceedings herein, the Court finds clear and convincing evidence to conclude that Respondent meets the criteria for commitment under 18 U.S.C. § 4246, namely that:

- (a) he currently suffers from a mental disease or defect;

¹ This matter was originally initiated pursuant to 18 U.S.C. § 4248 as a Petition to Determine Sexually Dangerous Person due for Release. According to the parties' stipulation, the United States agreed that, upon entry of Respondent's commitment under 18 U.S.C. § 4246, (a) the pending § 4248 petition would be withdrawn, and (b) Bureau of Prisons officials currently responsible for his custody and care at FMC Rochester would recommend that he be transferred to the Federal Medical Center in Butner, North Carolina.

- (b) as a result of such mental disease or defect, his release would create a substantial risk of bodily injury to another person or serious damage to property of another; and
- (c) suitable arrangements for State custody and care of Respondent are not currently available.

Accordingly, IT IS HEREBY ORDERED that Respondent is committed to the custody and care of the United States Attorney General, who shall hospitalize him for treatment and care in a suitable federal facility until a suitable State placement can be found, or until Respondent's release no longer constitutes a substantial risk of bodily injury to another.

Dated: 11/19/10

s/Patrick J. Schiltz
Patrick J. Schiltz
United States District Judge